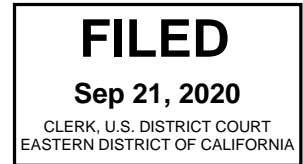


UNITED STATES DISTRICT COURT
for the
Eastern District of California



UNITED STATES OF AMERICA,

v.

DIEGO LUA-GARCIA,

Case No. **1:20-cr-00031-NONE-SKO**

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: **U.S. DISTRICT COURT, 2500 Tulare Street, Fresno, California**

Place

U.S. MAGISTRATE JUDGE SHEILA K. OBERTO in Courtroom 7 (unless another courtroom is designated)

on **DECEMBER 7, 2020 at 1:00 PM**

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance and Compliance Bond, if ordered.

(Copies to: **Defendant (through PTS) PRETRIAL SERVICES US ATTORNEY US MARSHAL**)

LUA-GARCIA, Diego

Doc. No. 1:20-CR-00031-NONE-SKO

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:

Name of person or organization **Michelle Lua Rodriguez**

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

SIGNED: 

CUSTODIAN

- ☒ (7) The defendant must:
- ☒ (a) report on a regular basis to the following agency:
Pretrial Services and comply with their rules and regulations;
 - ☒ (b) report as directed to the Pretrial Services Agency following your release from custody;
 - ☒ (c) reside at a location approved by the PSO, and not move or be absent from this residence without prior approval of PSO; travel restricted to Eastern District of California, unless otherwise approved in advance by PSO;
 - ☒ (d) cooperate in the collection of a DNA sample;
 - ☒ (e) report any contact with law enforcement to your PSO within 24 hours;
 - ☒ (f) not possess, have in your residence, or have access to a firearm/ammunition, destructive device, or other dangerous weapon; additionally, you must provide written proof of divestment of all firearms/ammunition, currently under your control;
 - ☒ (g) submit to drug and/or alcohol testing as approved by the PSO. You must pay all or part of the costs of the testing services based upon your ability to pay, as determined by the PSO
 - ☒ (h) refrain from the excessive use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription by a licensed medical practitioner; and you must notify Pretrial Services immediately of any prescribed medication(s). However, medical marijuana, prescribed and/or recommended, may not be used;
 - ☒ (i) execute a bond or an agreement to forfeit upon failing to appear or failure to abide by any of the conditions of release, the following sum of money or designated property: A \$2,000,000 collateral bond, secured by the available equity in the defendant's combined personal properties as noted in the Pretrial Services Report;
 - ☒ (j) surrender your passport to defense counsel, who will make arrangements to submit it to the Clerk's Office, United States District Court, and you must not apply for or obtain a passport or any other travel documents during the pendency of this case;
 - ☒ (k) following your release from custody, you must complete a 14-day quarantine period at your family residence. During this 14-day quarantine period, you must reside in your residence at all times except for medical needs preapproved by the PSO. You must comply with any and all telephonic and virtual (video) reporting instructions given to you by the Pretrial Services office;
 - ☒ (l) report the results of your COVID-19 test to Pretrial Services immediately upon receipt;
 - ☒ (m) upon completion of the 14-day quarantine period and after you have submitted a negative COVID-19 test result to Pretrial Services, you must participate in the following location monitoring program component and abide by all the requirements of the program, which will include having a location monitoring unit installed in your residence and a radio frequency transmitter device attached to your person. You must comply with all instructions for the use and operation of said devices as given to you by the Pretrial Services Agency and employees of the monitoring company. You must pay all or part of the costs of the program based upon your ability to pay, as determined by the PSO. **HOME DETENTION:** You must remain inside your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court ordered obligations; or other essential activities pre-approved by the PSO; and,

USMS SPECIAL INSTRUCTIONS:

- ☒ (n) have your release on bond delayed until the posting of the property bond and the Fresno County Jail facility releases you from any further isolation or quarantine.

ADVICE OF PENALTIES AND SANCTIONSTO THE DEFENDANT: **DIEGO LUA-GARCIA**

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

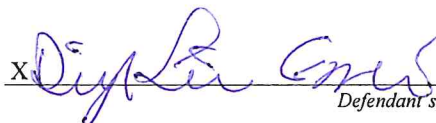
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

X  _____
 Defendant's Signature

Directions to the United States Marshal

(☒) The defendant is ORDERED released after processing.

Date: 9/21/2020

 _____
 Judicial Officer's Signature

BARBARA A. McAULIFFE, U.S. MAGISTRATE JUDGE

Printed name and title